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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,504	01/02/2004	Klaus Redecker	306.30915CC4	8691

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EXAMINER

GELLNER, JEFFREY L

ART UNIT PAPER NUMBER

3643

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/749,504		REDECKER ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Jeffrey L. Gellner		3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Upon review of the prior art and the change in language the allowability of claim 7 is withdrawn.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson Jr. (US 4,386,979; 8<sup>th</sup> document on Applicants' SB08A) in view of Niles (US 3,929,530).

As to claim 7, Jackson Jr. discloses a propellant composition consisting essentially of a cyanuric acid amide salt (from col. 2 lines 41-52) and a oxidizing agent that is a peroxide (from col. 2 lines 53-60), and a third component (from col. 3 lines 3-30), wherein the reaction products do not contain toxic gases (from abstract). Not disclosed is the use of ferrocene as a catalyst. Niles, however, discloses the use of ferrocene in a gas generating composition (24-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the composition of Jackson Jr. by using ferrocene as the third component as disclosed by Niles so as to improve the combustion characteristics.

As to claim 8, the limitations of claim 7 are disclosed as described above. Not disclosed is the composition's gas products do not exceed at least one MAK or TV value. It would have

Art Unit: 3643

been obvious to one of ordinary skill in the art at the time of the invention to further modify the composition of Jackson et al. as modified by Niles making the composition's gas products do not exceed at least one MAK or TV value so that the composition can be used for its intended purpose in air bags.

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer (US 2,981,616) in view of Lundstrom et al. (US 4,370,181).

As to claims 9 and 11, Boyer discloses a composition consisting essentially of a fuel (col. 1 lines 68-72) and an inorganic peroxide (col. 50 lines 57). Not disclosed are the fuel being a tetrazole derivative and the product does not contain toxic gases in health-endangering concentrations. Lundstrom et al., however, discloses the use of a tetrazole derivative ("aminotetrazole" of col. 2 lines 35-44; or "dialkali metal or mon-alkaline earth metal salts of 5,5' bitetrazole" of col. 2 lines 46-53) which would be less toxic (abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the composition of Boyer by using a tetrazole for the fuel as disclosed by Lundstrom et al. so as to have production of less toxic gas (see Lundstrom et al. at abstract).

As to claim 10, the limitations of claim 9 are disclosed as described above. Not disclosed is the composition's gas products do not exceed at least one MAK or TV value. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the composition of Boyer as modified by Lundstrom et al. by making the composition's gas products do not exceed at least one MAK or TV value so that the composition can be used for its intended purpose in air bags.

As to claim 12, the limitations of claim 9 are disclosed as described above. Boyer further discloses the use of a metal peroxide (col. 2 lines 50-57). Not disclosed is the use of zinc peroxide. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the composition of Boyer as modified by Lundstrom et al. by using zinc as the metal depending upon desired burn characteristics.

### ***Response to Arguments***

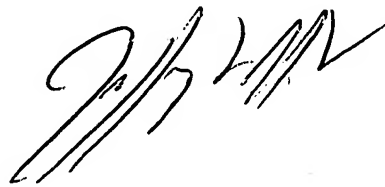
Applicants' argument is that Jackson Jr. does not disclose a tetrazole derivative (Remarks page 6, bottom half of page). Examiner has used new art which discloses a tetrazole derivative.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey L. Gellner whose telephone number is 571.272.6887. The examiner can normally be reached on Monday-Friday, 8:30-4:00, alternate.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 571.272.6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'J. Gellner', with a stylized flourish at the end.

Jeffrey L. Gellner  
Primary Examiner  
Art Unit 3643